

APPEAL NO. 040497
FILED APRIL 22, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 4, 2004. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable injury on _____; that the claimed injury was not caused by the claimant's willful intent to injure herself or others; and that the claimant did not have disability. The claimant appeals the compensability and disability determinations. The respondent (self-insured) urges affirmance of the hearing officer's decision. The determination that the claimed injury was not caused by the claimant's willful intent to injure herself or others has not been appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed.

Whether the claimant sustained a compensable injury was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's compensability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). As the existence of a compensable injury is a prerequisite to a finding of disability (Section 401.011(16)), we perceive no error in the determination that the claimant did not have disability.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**HARRIS & HARRIS
5300 BEE CAVE
BUILDING 3, SUITE 200
AUSTIN, TEXAS 78746.**

Chris Cowan
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Gary L. Kilgore
Appeals Judge